

Notice of Allowability

Application No.

10/051,140

Examiner

LoAn H. Thanh

Applicant(s)

MAHURKAR, SAKHARAM D.

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the election filed 12/7/05.
2. ☒ The allowed claim(s) is/are 1-7,21,45,54-58,60,69,73-82 and 123-131.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 05/07/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rudisill on 04/12/06.

The application has been amended as follows:

Claims 8-14, 22, 25, 28-31, 43-44, 47-53, 61-62, 70-72, 132 have been canceled since the claims are directed to a non-elected embodiment.

Claims 15-19, 23, 24, 26-27, 32-35, 46, 59, 63-68 have been canceled in view of discussion with Mr. Rudisill that a rejection would be applied.

In claim 45, in line 16, prior to the "." ---wherein the switch is coaxial with the barrel" has been inserted.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-7, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further having a spring retainer element with a stabilizing surface, a spring support portion and a through hole for receiving a needle holder.

With respect to claim 21, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further having a cylindrical spring retainer element with a distal axial cantilever extension which is inserted coaxially and locked within the barrel and retaining a compression spring and having a proximal surface on the spring retainer having a stabilizer plate to support the needle holder and a deflectable anchoring plated that releasably holds the spring.

With respect to claim 45, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further the ring-like switch is coaxial with the barrel.

With respect to claim 54-58, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further the needle holder having a lateral arm which extends from the plunger open channel into the track slot of the barrel.

With respect to claim 60, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further the needle holder having a lateral arm which extends from the plunger open channel into the track slot of the barrel and, a rotatable ring switch which encircles the barrel.

With respect to claim 69, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further the spring retainer seals the medicine chamber.

With respect to claim 73-82, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further having a switch which encircles the barrel and is locked on the barrel distal to the flanges and proximal to the detents on the barrel surface.

With respect to claim 123-131, the prior art of record fails to teach or render obvious a safety syringe assembly in combination with all the elements and structural functional relationship and further having a tube with a distal axial extension forming a central cantilever with a central through opening, and a proximal anchoring plate forming an engagement with a needle holder to prevent expansion of the spring.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (571) 272-4966. The examiner can normally be reached on Mon. - Fri. (First Friday off).

Art Unit: 3763


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LoAn H. Thanh
Primary Examiner
Art Unit 3763

LT

04/12/06


NICHOLAS D. LUCCHESI
SUPERVISORY EXAMINER
TECHNICAL 3763